

AUCTIONEERS BOARD MEETING

MINUTES

The Virginia Auctioneers Board met on October 16, 2008, at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia, with the following members present:

Betty A. Bennett
William C. Bryant, III
George A. Daniel
Amy Pence
Erlita Joanne Wang

Staff present for all or part of the meeting were:

Jay W. DeBoer, Director
Mark N. Courtney, Deputy Director of Licensing and Regulation
Marian H. Brooks, Board Administrator
Michelle Gowen, Administrative Assistant
Krystle Dawn Hoverstock, Administrative Assistant
Earlyne Perkins, Legal Analyst

Elizabeth Peay, Assistant Attorney General, was present at the meeting.

Finding a quorum of the Board present, Amy Pence, Vice Chair, called the meeting to order at 10:03 a.m.

Call to Order

Ms. Brooks introduced new Board members Betty A. Bennett and George A. Daniel, and welcomed them to the Board. Ms. Brooks also introduced Krystle Dawn Hoverstock, Administrative Assistant, and welcomed her to the Department.

Introductions of New Board Members & Staff

Mr. Bryant moved to approve the agenda. Ms. Wang seconded the motion which was unanimously approved by members: Bennett, Bryant, Daniel, Pence, and Wang.

Approval of Agenda

Ms. Wang moved to approve the minutes from the following meeting:

Approval of Minutes

July 17, 2008, Auctioneers Board meeting.

Mr. Bryant seconded the motion which was unanimously approved by members: Bennett, Bryant, Daniel, Pence, and Wang.

Public Comment Period – There were no comments made to the Board.

Public Comment

Regarding **File Number 2008-00718, Quinn & Sons, Inc.**, the Board members reviewed the Consent Order as seen and agreed to by Quinn & Sons, Inc. Mr. Daniel moved to accept the Consent Order which cites the following violations of the Board's regulations: 18 VAC 25-21-110 (Count 1) and 18 VAC 25-21-180.A.4 (Count 2). For these violations, Quinn & Sons, Inc. agrees to the following sanctions: \$150.00 for the violation contained in Count 1, \$350.00 for the violation contained in Count 2 as well as \$150.00 in Board costs for a total monetary penalty of \$650.00. Ms. Bennett seconded the motion which was unanimously approved by members: Bennett, Bryant, Daniel, Pence, and Wang.

File Number 2008-00718, Quinn & Sons, Inc.

Regarding **File Number 2008-02973, Mastin Auctions**, the Board members reviewed the Consent Order as seen and agreed to by Mastin Auctions. Mr. Bryant moved to accept the Consent Order which cites a violation of 18 VAC 25-21-110.1.a of the Board's regulations. For this violation, Mastin Auctions agrees to a fine in the amount of \$500.00 and \$150.00 in Board costs, for a total monetary penalty of \$650.00. Ms. Wang seconded the motion which was unanimously approved by members: Bennett, Bryant, Daniel, Pence, and Wang.

File Number 2008-02973, Mastin Auctions

Regarding **File Number 2008-03526, John M. Marshall**, the Board members reviewed the Consent Order as seen and agreed to by Mr. Marshall. Ms. Bennett moved to accept the Consent Order which cites the following violations of the Board's regulations: 18 VAC 25-21-150.C (Count 1) and 18 VAC 25-21-150.F (Count 2). For these violations, Mr. Marshall agrees to the following sanctions: \$500.00 for the violation contained in Count 1, \$250.00 for the violation contained in Count 2, as well as \$150.00 in Board costs for a total monetary penalty of \$900.00. Mr. Bryant seconded the motion which was unanimously approved by members: Bennett, Bryant, Daniel, Pence, and Wang.

File Number 2008-03526, John M. Marshall

The Board members reviewed a letter from Frank MaGann at VCPM Auctions, LLC, requesting a Board interpretation of regulation 18 VAC 25-21-150. Mr. Daniel moved that the regulation be submitted as a fast track regulation change to permit credit card transactions. Ms. Bennett seconded the motion which was unanimously approved by members: Bennett, Bryant, Daniel, Pence, and Wang.

Discussion of 18 VAC 25-21-150

The Board members reviewed a letter from J.T. Clark, President of the Virginia Auctioneers Association (VAA), requesting that the Board establish criteria that would allow acceptance of continuing education courses that are sponsored by States with reciprocal agreements without preapproval. The Board members were also provided with a letter from C. Shields Jones, Jr., of the Legislative Committee of the Virginia Auctioneers Association (VAA) conveying their appreciation to the Board for reviewing this matter and offering the VAA's full support in an effort

Discussion of Reciprocal States' Continuing Education Requirements

to reach a resolution. The Board agreed by consensus to have staff research this matter for further discussion at its next meeting. The Board also requested staff keep the VAA apprised of the status of this request.

Mr. Courtney provided the Board members with information regarding the issue of Absolute Auctions. Mr. Courtney noted that the Code of Virginia § 54.1-607. B states: "No auctioneer shall advertise an auction sale of real property as "absolute" unless all lots included in the sale meet the criteria." The Board agreed that no action is necessary at this time.

**Discussion of
Absolute Auctions**

After discussion, Ms. Bennett moved to repeal the existing public participation guidelines and adopt the model public participation guidelines via exempt action. Mr. Daniel seconded the motion which was unanimously approved by members: Bennett, Bryant, Daniel, Pence, and Wang.

**Consideration of
Adoption of Model
Public Participation
Guidelines**

Mr. Daniel moved to nominate William C. Bryant, III, as Chair of the Board for the term beginning July 1, 2008, and ending June 30, 2009. Ms. Bennett seconded the motion which was unanimously approved by members: Bennett, Daniel, Pence, and Wang.

Election of Officers

Ms. Wang moved to nominate Amy R. Pence as Vice-Chair of the Board for the term beginning July 1, 2008, and ending June 30, 2009. Mr. Bryant seconded the motion which was unanimously approved by members: Bennett, Bryant, Daniel, and Wang.

Ms. Wang moved to adopt the following meeting dates for 2009:

**Consideration of
Proposed 2009
Meeting Dates**

Thursday, January 22, BR3
Thursday, April 23, BR3
Thursday, July 16, BR4
Thursday, October 15, BR4

Ms. Bennett seconded the motion which was unanimously approved by members: Bennett, Bryant, Daniel, Pence, and Wang.

The Board members were provided with a comprehensive report of enforcement activity since the last Board meeting.

**Comprehensive
Report of Compliance
and Investigations
Divisions Activity**

The Board members were provided with the financial statements from August 2008.

**Review of Financial
Statements**

Ms. Brooks mentioned that the Fall 2008 Newsletter has been completed and is available for review on the Board's website.

Other Business

The Board members took a break from 10:55 a.m. to 11:09 a.m.

Break

Mr. Courtney provided the Board members with training on the roles and responsibilities of members of the Board.

**Board Member
Training**

Conflict of Interest forms were completed by all members present.

**Conflict of Interest
Forms**

There being no further business, the meeting was adjourned at 11:31.

Adjourn

William C. Bryant, III, Chair

Jay W. DeBoer, Secretary